

RESOLUTION NO. R-12-2012

A RESOLUTION OF THE TOWN COUNCIL OF KENSINGTON EXPRESSING SUPPORT OF THE PROPOSED ADDITION TO THE PLANNING BOARD DRAFT SECTOR PLAN WITH RESPECT TO THE KONTERRA PROPERTY

Whereas, the Town of Kensington understands the importance of an investment by the Konterra Properties Limited project in Kensington and is generally supportive of exploring additional height not to exceed 75 feet, if certain public amenities are provided for if practicable, including but not limited to: a pedestrian overpass or a pedestrian underpass, a clock tower, or other architectural features that diminish the height effect and adopted Resolution No. R-03-2012 to indicate its support of exploring the additional height for the Konterra property; and

Whereas, the Town Council has received a proposed addition by County Council staff to the Planning Board Draft Sector Plan with respect to the Konterra property, a copy of which is attached to this Resolution; and

Whereas, the Town Council has determined that the suggested wording is consistent with the terms, purpose and intent of R-03-2012 and that it is appropriate to support the proposed addition, with certain changes; and

Whereas, the Town Council desires ultimate approval power for any development plan exceeding 60 feet in height with respect to the Konterra property, but is aware that it does not have this power as a result of Article 28 of the Annotated Code of Maryland, and so has decided to support other measures to insure that the ultimate development on this property is acceptable to the Town; and

Whereas, the Town Council has determined that a community charette, to be paid for by the Konterra property owner, is necessary to solicit ideas and support for any development that exceeds 60 feet in height on the property; and

Whereas, the Town Council has determined that a Town Council vote on the results of the charette is necessary prior to the first vote by the Montgomery County Planning Board on anything related to the development plan for the property; and

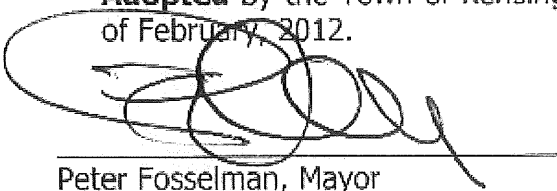
Whereas, the Town Council has determined that the standard Montgomery County method for determining up to 75 feet in height for a building on the property should be used; and

Whereas, the Town Council has determined that a clock tower should be deleted from the list of public amenities referenced in R-03-2012 that can be used to support development on the Konterra property in excess of 60 feet in height.

Now Therefore Be It Resolved that the Council of the Town of Kensington finds that the proposed addition to the Planning Board Draft Sector Plan with respect to the Konterra property, which is attached to this resolution, is consistent with the terms, purpose and intent of the already adopted R-03-2012 with respect to the exploration of additional height on the property, with certain additions, and therefore the Town Council supports the proposed addition on the following terms:

1. It is the Town Council's intent to seek and enter into a declaration of covenants with the owner of the Konterra property to require, prior to the first vote by the Planning Board on anything related to the development plan for the property, that a mandatory charette, to be paid for by the Konterra property owner, to involve the community in the proposed development plan, and a Town Council vote on the results of the charette, be held.
2. The Town Council requests that the County Council include in the Konterra amendment a requirement that, prior to the first vote by the Planning Board on anything related to the development plan for the property, a mandatory charette, to be paid for by the Konterra owner, to involve the community in the proposed development plan, and a Town Council vote on the results of the charette, be held.
3. If the Town Council is unable to obtain an agreement with the Konterra owner to a mandatory charette and subsequent Town Council vote as described herein, then it is the Town Council's intent to withdraw its support of the exploration of height in excess of 60 feet on the property.
4. That the standard Montgomery County method for determining up to 75 feet in height be used for the property.
5. That a clock tower should be deleted from the list of public amenities that can be used to support development on the Konterra property in excess of 60 feet in height.

Adopted by the Town of Kensington Council, in public meeting assembled, this 27th day of February, 2012.



Peter Fosselman, Mayor

This to certify that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the 27th day of February, 2012



Susan Engels, Clerk-Treasurer

ADDITIONS TO THE PLANNING BOARD DRAFT SECTOR PLAN ARE UNDERLINED; DELETIONS ARE BRACKETED

6 Konterra and Metropolitan Avenue South

This 6.2 acre area is located on the south side of Metropolitan Avenue and east of the intersection of Metropolitan Avenue and Plyers Mill Road (Area 6 on page 32). Preserving existing retail and service industrial uses in much of this area is desirable. The proposed zone adds the opportunity to introduce some residential uses while maintaining the existing non-residential uses in place. The 60-foot height is needed to accommodate additional density in a mixed use development with public benefits such as quality design, streetscape, open space or public parking, creating a mixed-use, pedestrian-centered realm on both sides of Metropolitan Avenue.

The Town plans to use a portion of ~~this~~ a former concrete plant site—the Konterra property—for additional commuter parking and for other civic uses. This Plan's recommended CSX pedestrian crossing should be located on a portion of this property. This Plan recommends the CRT Zone to ~~[accommodate redevelopment of]~~ encourage a mixed-use development on the portion not used for parking and civic space. Revitalization in this area should incorporate additional open space and use best management practices for stormwater management.

[This property is recommended for CRT 1.5, C 1.5, R 1.5, H 60.]

This Plan recommends a height of 60 feet with the option to explore going up to 75 feet on the Konterra property if the additional height can be provided in a manner compatible with surrounding uses and if public amenities are provided that exceed the requirements of the CRT zone, to the extent practicable. Potential amenity options include, but are not limited to, a pedestrian overpass or a pedestrian underpass, a clock tower, or other architectural features that diminish the height effect. There are significant slopes on this site. A building should not exceed 75 feet above the predevelopment grade as measured from any point around a building. When evaluating the appropriate height, the Planning Board should consider compatibility of the architecture of the MARC station, nearby historic properties, and the proposed Village Center area. The Town of Kensington and property owner are encouraged to conduct a charette to identify design options that would diminish the impact of additional height at this location and ensure compatibility. This would be an extremely useful precursor to the Planning Board review of any development proposal.

The Konterra property should be zoned CRT 1.5: C 1.5, R 1.5, H 75 in the Sectional Map Amendment to allow for the potential of additional height. The remainder of the area is recommended for CRT 1.5: C 1.5, R 1.5, H 60.

Neither the Mayor, the Town Council, nor any member or representative thereof shall present to the Montgomery County Council, the Maryland-National Capital Park and Planning Commission or to any members, employees (or subdivision thereof) any official proposal or

recommendation for the more intensive use of land within the corporate limits of the Town than has been approved by said Park and Planning Commission (i) unless said proposal or recommendation has been approved by the Mayor and all members of the Town Council in a recorded vote on the specific proposal or (ii) unless said proposal or recommendation has been approved by a majority of voters in a special election.

(c) The Town Council

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